IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY

TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and

HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 5163 of 2002

Between:

Sri Kakarla Ammanna Chowdary
S/o.Veeraju,
D.No.12/157, Near Bazar,
Vetapalem Village,
Samalkota Mandal,
East Godavari District

..... PETITIONER

AND

1 The Govt. of Andhra Pradesh
rep.by its Principal Secretary Department of Environment,
Secretariat, Hyderabad
2 The Andhra Pradesh Pollution Control Board
rep.by its Member Secretary, Huda Maithrivanam,
Ameerpet, Hyderabad
3 The District Collector
East Godavari District at Kakinada
4 The Superintendent Engineer
Irrigation Department, Irrigation Circle,
Dawaleswaram,
East Godavari District
5 The A.P.Pollution Control Board,

rep.by its Environment Engineer, Regional Office, Innispet,
Near Kotipalli Busstand, Rajahmundry, East Godavari district.

6 The Andhra Sago Manufacturers Association,
rep.by its President, Vetapalem Village, Samalkota Mandal,
East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the respondent authorities in granting permission for 6th respondent association for laying the pipeline for discharge of the effluents of the 6th respondent at Kurudi Dam in Vetalapalem drain as arbitrary, illegal, null and void and is against the principles of natural justice and norms of the public policy and contrary to the provisions of the Central Pollution Control Board Act, and consequently direct the official respondents to restrain the 6th respondent from discharging the effluents into Vetalapalem drain and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

For the Petitioner **:MR.VENKATESWARA RAO GUDAPATI, Advocate**

For the Respondents 1, 3 & 4 DEV. **: GP FOR IRRIGATION & COMM AREA**

For Respondents 2 & 5 **: Mr. S.V.Bhatt, Advocate.**

For Respondent No.6 **: Mr. E.V.V.S.Ravi Kumar, Advocate.**

The Court Made the Following :

ORDER: (Per Hon'ble the Chief Justice)

Petitioner in this public interest litigation has questioned the action of third respondent in granting permission to the sixth respondent Association for laying the pipeline for discharge of the effluents of the sixth respondent at Kurudi Dam in Vetalapalem drain to be bad in law and against the norms of the public policy and contrary to the provisions of the Central Pollution Control Board Act.

Interim direction was issued restraining the respondent No.6 from laying the pipeline which has remained in force till date. Respondent No.6 had also filed affidavit praying for vacation of stay. Counter-affidavit has also been filed by
A.P. Pollution Control Board as also by respondent No.5. Even the fifth respondent in its counter-affidavit has taken up the stand that the laying of siphon and pipeline for the release of effluents into Vetalapalem drain after final approval of the Government in accordance with the conditions imposed would be beneficial to ayacutdars and also to the environment.

Maybe, it is the stand of the Superintending Engineer, Irrigation Circle, Dowlaiswaram, that the laying of siphon and pipeline for the release of effluents into Vetalapalem drain after final approval of the Government in accordance with the conditions imposed would be beneficial to ayacutdars and also to the environment. But, we have to ensure there is proper compliance of the environmental laws and that

the public does not suffer because of the effluents being discharged resulting in pollution. A.P. Pollution Control Board in its reply affidavit has stated that on 25-01-2002, the Zonal office of the Board had issued consent to the 6th respondent with condition that the industries shall construct and commission effluent treatment plant to treat the effluents so as to meet the Board's standards within three months thereof and then to discharge the treated effluents through a common pipeline into Vetalapalem surplus drain in the down stream of the dam. Affidavit further stated that M/s Deccan Sugars Limited, Samalkota, had laid the pipeline of

7 Kms upto Yeluru drain to discharge the treated effluents, but respondent No.6 has not constructed the effluent treatment plant to treat the effluents. The second respondent-Board in its affidavit states that samples were collected from Sago Industries and found that parameters were actually exceeding Board's Standards. Preventive directions were issued from time to time, but yielded no result and it is suggested that Board will take action under Section 33-A of Water (Prevention and Control of Pollution) Act and pass final orders against seven sago industries.

Considering the facts of the case, we dispose of the writ petition with direction that respondent No.6 shall restrain itself from laying of siphon and pipelines for release of effluents till final approval is accorded by the Government and till it complies with the directions issued by the A.P. State Pollution Control Board. The Board will ensure that action is taken in accordance with law and also ensure compliance of its directions. In case the Board would consider that sixth respondent has not acted in accordance with the directions issued by it and any action is required to be taken, the same has to be taken in accordance with law including the one as suggested in its counter-affidavit.

The writ petition stands disposed of. No costs.

DEVINDER GUPTA, C.J.

G.ROHINI, J

07-07-2004

bsc

To

1 The Principal Secretary,
Department of Environment,
Govt. of Andhra Pradesh,
Secretariat, Hyderabad.
2 The Member Secretary,
Andhra Pradesh Pollution Control Board
HUDA - Maithrivanam,
Ameerpet, Hyderabad

3 The District Collector
East Godavari District at Kakinada.
4 The Superintendent Engineer,
Irrigation Department, Irrigation Circle Dawaleswaram,
East Godavari District
5 The Environment Engineer,
The A.P.Pollution Control Board,
Regional Office, Innispet,
Near Kotipalli Bus stand, Rajahmundry,
East Godavari Dist.
6 The President,
The Andhra Sago Manufacturers Association,
Vetalapalem Village, Samalkota Mandal,
East Godavari District.
7. .2CCs to Govt. Pleader for Irrigation, High Court Bldgs., Hyderabad.
8. 2CD copies